

RTÉ FRONTLINE EDITORIAL REVIEW

Terms of Reference

- How were questions in this programme devised?
- How were audience members selected?
- To what extent did question and audience selection for the Presidential Debate differ from regular practice?
- How does RTÉ Frontline practice compare to similar shows produced by other broadcasters?

1. FORMAT

What was the format? How was it arrived at? How does this compare to other audience debate formats in RTÉ and other broadcasters?

Regular Frontline Format

The Frontline programme is a vehicle for robust and informative debate. The format relies on strong contributions from audience members who are researched for their relevant knowledge and expertise.

A typical Frontline audience of some 140 would contain around 40 people who would be considered to have specific personal connections to the subject and whose opinions would be discussed in detail with the production team. These contributions are not questions per se but substantive comments, based on audience members' experiences and opinions.

On a typical programme the production team set about finding these audience members who have a real interest in the topic. The researchers will then discuss with them in some detail what they are going to say. This research gives the production team a clear idea of the overall balance of the programme. The presenter is also aware of where potential contributors are sitting and what contribution they might make.

The standard Frontline format is similar to other studio discussion programmes made by UTV and BBC NI.

The General Election Leaders Debate Format: (the 'GE Debate')

In the run-up to the General Election in March 2011, it was decided by News and Current Affairs management that Frontline should conduct a Leaders Debate programme. This was not long after the UK Leaders Debate and attention was paid to the formats used then by UK broadcasters. For example, audience questioners had not been allowed to follow up or react to the answers given and no applause or audience reaction was allowed, other than at the beginning and end of the programme.

The then Editor of Frontline believed it was "too risky to use the normal Frontline format" for this Election Debate. He had specific concerns about the selection of the audience. There had been an incident in a previous programme when a member of the audience harangued the Green Party's Eamon Ryan for some time. In a normal run of Frontline, he believed that it was possible to make up an imbalance like this across the series but it would very difficult to do that in a one-off General Election debate with only 10 days to go to polling.

There was also a concern that political parties may attempt to 'place' supporters in the Frontline audience if the audience tickets were made available through open invitation.

In discussion with News and Current Affairs management, it was decided that a market research company be contracted to select the audience and harvest the questions. A panel of two independent experts and The Frontline Editor was set up to oversee the selection of questions arising from the market research company's work. No follow-ups from questioners were allowed and the audience was requested not to express opposition or support during the debate.

The 82 minute programme was broadcast live without any incident. One audience member selected by the market research company 'froze' on air when he was asked to put his question. There were no complaints following the debate from campaign teams. The then-Frontline Editor himself thought the programme was a "bit stilted" but 'editorial safety' was his main concern.

The Presidential Election Debate Format: ('the PE debate')

There were no established RTÉ protocols for a Presidential Election debate. There hadn't been a Presidential Election for 14 years.

The production team for the PE debate had changed personnel substantially from the team that put together the GE debate. The lead editorial figure on The Frontline was now an Executive Producer, appointed in May, rather than an Editor. All those involved in preparation of the PE debate were also working on standard Frontline programmes in the run up to the special debate programme.

There was a general view in the production team that the General Election debate was 'sterile'. The people who had asked the questions appeared to care little about them and were not allowed to respond once they had asked the question.

The new Executive Producer says he discussed with other past and present members of the production team, the presenter and the *[then]* Editor, Current Affairs, the pros and cons of using a market research company to select audience and questions. With the exception of the previous Editor of Frontline, it appears that the consensus was that the market research method was expensive and had generated a poor debate. The view was also expressed that if a market research company were used again then this would tie Current Affairs to using this format in all future audience debates.

The production team for the PE debate wanted to have active audience involvement. It was noted that the majority of the candidates were not party members so there was no pressure coming from the parties to do it in the style of the GE debate. The PE debate was therefore planned to be a very different format from the GE debate.

The key elements of the PE debate format were:

- there would be an opportunity at the top of the programme for each candidate "to set out their stall" in response to a general question from the presenter
- each candidate would receive five tickets to the audience but these members would not be permitted to ask questions and would be seated together in one part of the studio
- at least one challenging and topical question would be identified for each candidate

- the candidates would be invited to participate at any time as their ‘mics were open’
- the audience would be composed as far as possible of people who were ‘known quantities’, including those with previous experience of the programme, who would often be directly approached by the production team and whose opinions would be thoroughly researched in advance

Selection of audience

There were three main ways in which the audience on the night were selected.

Firstly, the public were invited to submit applications by the usual methods – by phone, by email or via social media. Around half of the audience on the night of the PE debate were comprised of people who had applied for tickets. These members were ‘screened’ in the standard way by the Audience Researcher, including being asked to complete a questionnaire that included details of political affiliations.

Secondly, callers and texters to editions of the Today with Pat Kenny radio show that had featured interviews with the candidates were approached. It was felt that these people had already expressed an interest in the campaign and that their comments were a potential indication of issues of concern to voters for the PE debate.

Finally, the production team also approached previous Frontline audience members – people who had been “pre-vetted”, whose background had already been researched and established.

For the PE debate audience, the production team wanted to continue the standard Frontline format of directly approaching members of the public; “people who had personal experience and connections to the questions they were asking”, as the Executive Producer put it.

It is important to note that the Review team pieced together the format for audience selection during interviews with the production team; it was not clearly set out at the time.

We concluded that there were inconsistencies with the format for the PE debate:

- There was confusion within the production team as to whether or not the audience was to be composed of ‘undecided voters’ and people without party affiliations.

- The format had been partly designed to prevent covert candidate supporters gaining entry to the programme. But the production team were aware that some audience members they approached did have political affiliations. One questioner described ██████ as a committed Fianna Fáil (who were not running a candidate in the Election). Another questioner had been a Labour activist.
- There also appears to have been a blurring of the line between people who were known to the production team from previous programmes, so-called 'Friends of The Frontline', and personal friends of the production team.

Role of Presidential Election Steering Group (PESG) in approving Format

The Steering Group exists to review and approve programming plans for TV, Radio and Online relating to election coverage. The Executive Producer states that all contact with the PESG was through the Editor, Current Affairs, though he did also have brief discussions with the Head of Compliance and with the MD, News and Current Affairs.

According to minutes of PESG meetings the initial plans (2nd September) were that "the [TV] current affairs television vehicle would be The Frontline".

Other TV programmes were later discussed and agreed by the PESG. The Late Late Show would be broadcast first, with candidates only and no questions from the audience. The Frontline programme, the only TV debate involving an audience, was initially planned for 17th October. This was later moved, at the suggestion of TV Current Affairs, to 24th October. This was due to the need to avoid clashes with the high number of other debates on TV and Radio around that time. This move was significant because it brought the Frontline debate closer to polling day.

On 7th October the PESG minutes note "plans to use a Market Research company to select the audience on The Frontline had been abandoned for financial reasons. Negotiations with the candidates on the construction of the audience were taking place."

Also on 7th October it was noted that Prime Time now proposed its own seven-candidate debate.

On the 14th October, PESG stated that "the last two debates [Charlie Bird and The Frontline] would involve audience participation and it was necessary to structure these programmes very carefully to make them focus on what the candidates would do if elected. It was agreed that the agenda should not be determined by the newspapers".

Finally, the Friday before the PE debate took place, the PESG minutes stated “most of the [Frontline] audience would be made up of members of the public whose independence was known to the production team and who had interesting questions to ask”.

The Review team found that the PESG, while urging caution with audience participation debates, agreed with the production decisions not to use a Market Research company and to select audience members already known to the production team.

2. THE QUESTIONS

What was the approach to ensuring a balanced range of questions that would sustain a lengthy debate were gathered? How was the wording of questions arrived at?

Approach to Questions

In the Frontline General Election debate, a 82 minute programme, the questions were gathered by the market research company and selected for broadcast by the panel of two independents and the then-Editor of Frontline. A total of 6 questions and questioners were chosen, along with an additional 3 standby questions on different topics if time permitted.

Each of the 6 chosen questions had two alternative questioners ready to ask similar questions on the same topic. This was in case of no-shows of the selected questioners. In the event, all the first rank of questioners turned up and none of the alternates were required. The programme ran as planned and none of the additional stand-by questions were required either.

This number of planned questions accords with experience of similar programmes on other broadcasters. BBC Question Time plans for 5 questions for an hour-long programme. UTV's Leaders' Debate 2011 programme had 7 questions with a small number of standbys.

For the Frontline PE debate, the Executive Producer believed that a larger number of questions would be needed, well above the minimum requirement of 7 - a topical and challenging question for each candidate that could also be discussed by all candidates.

He was partly influenced in the final days before the PE debate by an RTÉ Radio audience debate hosted by Charlie Bird that had gone through a lot of questions when answers from the candidates proved very short.

By the time the PE debate started the programme production plan – or ‘map’ – contained as many as 33 questions that could have been asked. All questions in the ‘map’ had named questioners attached. In total, there may have been up to 50 questions and questioners researched and prepared for the debate that night.

This high number of questions and questioners created a very complicated ‘map’ for the debate that would in itself have created difficulties in monitoring overall balance on air.

Secondly, the decision to finalise question selection close to transmission – to ensure topicality and to avoid overlap with other debates – meant that the selection of a balanced range of questions would be done under the pressures of imminent broadcast.

Finally, there was a further unexpected complication. Appalling weather, turning to flooding on the day of transmission, meant many audience members, including some expected questioners, were thought unlikely to arrive.

During the day, as weather worsened, more potential questioners were added to the already busy production map. This process extended to several audience members being approached on the day of transmission to ask questions originally devised by others who had not arrived in studio.

The Wording of Questions

The standard *Frontline* format – unlike series like BBC *Question Time* and the RTÉ predecessor programme *Questions and Answers* – does not involve audience members asking *questions*. Normal practice involves detailed research into audience members' personal stories and opinions with a view to them making *comments*.

The team therefore – with the exception of the senior researcher who had worked on Q+A for several seasons - had little experience of the editorial issues around working with audience members on the final wording of questions.

The production team were keen to ensure that all questions asked on air were crisp, topical, and representative of views expressed by others. To generate questions from the audience members the production team applied the 'comment research' techniques used in standard *Frontline* programmes.

The methodology was that the team member would ring a potential questioner and discuss their views of issues relevant in the election. A potential question might then be discussed between them on the phone. Their comments and potential questions would be outlined at production meetings in the lead up to the programme. Close to transmission, the final wording of the question the contributor might ask on the programme would be discussed and confirmed with them on the phone.

In contrast to the GE debate, this methodology involved active engagement between potential questioners and the production team.

This placed a high level of responsibility on the members of the team and their editorial managers to ensure that a *balanced* and representative selection of questions was chosen and that the *wording* of the questions was founded on the questioners' own comments.

To assess how this responsibility was met, the Review team looked into each question asked during the debate and also the prepared questions that were not broadcast.

Broadcast Questions

Q1 Siobhan Feely

"It's for the whole panel. What do they think it says about the country that just after eight months after we ejected Fianna Fáil from office, an ex-Fianna Fáil businessman looks set to be our next President?"

Ms Feely had been on the Frontline programme before. She was considered to have spoken well on the programme on the issue of child benefit. She was contacted on the day of the debate by the senior researcher and asked if she was interested in contributing a question.

She told the Review team that she had already sent an email a couple of days before the programme looking for tickets, as she was concerned about Sean Gallagher's business dealings and Fianna Fáil connections.

The senior researcher states that in the course of the conversation he asked her for her views on Sean Gallagher. His notes of that conversation show that she was sceptical of Mr Gallagher, did not feel he was right for the job, that the FF vote was coming out for him and that she was concerned that undisclosed information might come out about him after the election. By the end of the call the wording of the question she put to the panel that night was agreed.

Ms Feely confirmed to the Review team that she knew the format and was not surprised that the Frontline researcher would ring her on the day of transmission. There was some discussion on the specifics of the question but she didn't feel pushed into it. She did express to the Review team that if she hadn't had the previous experience of being on the programme, she may have been uncomfortable with the approach.

The Review team concluded that the question Ms Feely asked was on a topic that she had been interested in prior to the senior researcher's call, and accepted the evidence of both the contributor and the researcher that she had originated the question during their discussion. On the question of balance, see page 22.

Q2 [REDACTED]

"To Gay Mitchell – your party is in power and doing well in the polls. You however are doing very badly. Is it all down to you?"

This question was due to be asked by a [REDACTED], who was unable to attend the debate because of the floods. [REDACTED] was an ordinary member of the audience who had no expectation of asking a question. She was accompanying Liam Murphy who was a likely questioner (Q9).

Given the need for a challenging question to be asked of each candidate, the loss of the 'Gay Mitchell' questioner due to the floods was thought to be a serious problem. The senior researcher was asked by the Executive Producer to find someone else to ask the question. He approached [REDACTED] and she agreed to ask the question, which was delivered on air almost exactly as it was recorded in the 'map'.

The Review team has spoken to [REDACTED]. She said she was a bit embarrassed about appearing on the programme unexpectedly, but had no complaints about the overall experience.

The question itself was a legitimate and topical issue for discussion.

However, even allowing for the exceptional circumstances caused by the weather, the Review team concluded that it was wrong for [REDACTED] to be given a question originally devised by another audience member, when she had not previously expressed an interest in this topic.

Q3 Dermot Fitzpatrick

"Would David Norris accept that since his return to the race, he has shown a remarkable lack of judgment"?

Dermot Fitzpatrick approached the programme expressing an interest in appearing in the audience for the Presidential debate. This approach was directly to one of the Assistant Producers, who was a close friend. She stated to the Review team that she believed Mr Fitzpatrick to be a wavering David Norris supporter, and was a general 'left wing floating voter'. Around two weeks before the debate, she did inform the rest of the production team that a friend of hers was interested in asking a question of Mr Norris. Close to transmission, it was decided that Mr Fitzpatrick's question to Mr Norris would be used.

It emerged after the debate that Mr Fitzpatrick had been an activist for a Labour Party Councillor, Tom Kelleher, who was the father of the Assistant Producer. Mr Fitzpatrick stated to the Review team that he believed he was still a member of the Labour Party, although Mr Kelleher told the Review team that he was sure Mr Fitzpatrick had not been a 'paid up' member for some years. *[When Mr Fitzpatrick was contacted by the Review team in November 2012 to obtain his consent to his account and details being published by RTÉ, he wished to have clarified that his earlier statement referred only to the technical possibility that he may still have been on membership rolls and that subsequently he has been able to confirm that he was not a member of the Labour Party at the time of the debate.]*

Mr Kelleher had been in contact with Mr Fitzpatrick on Facebook during the campaign. There is an exchange online three days before the debate where Mr Fitzpatrick replies 'oh, all right then' to a generic post urging support for Michael D Higgins. The Councillor later replied – at 2:20am on the night following the debate - 'that was easy!' *[When Mr Kelleher was contacted by the Review team in November 2012 to obtain his consent to his account and details being published by RTÉ, he confirmed with Facebook that this message was sent on the day of the debate at 10.20am, and not as stated in this document and he wished to have this clarified.]*

Both men adamantly deny that Mr Fitzpatrick was 'planted' in the audience on behalf of the Labour Party or any other grouping. The two men know each other and Mr Kelleher characterised the exchange on Facebook as light-hearted. He firmly rejected the suggestion that the words 'that was easy' were a reference to it being 'easy' to place Mr Fitzpatrick in the audience to ask a question. He said he had meant it was 'easy' to apparently attract Mr Fitzpatrick's support with a generic campaign message.

Mr Fitzpatrick told the Review team that the question he posed to the panel was his own. He said that he was happy with the answer David Norris gave and went on to vote for him – not the Labour candidate - as a result.

The Review team noted that the friendship between the Assistant Producer and the questioner had been disclosed to the rest of the production team. In such a sensitive debate, the format should have been clear that no personal friends would be chosen to ask questions.

The format should also have been clear that Mr Fitzpatrick's previous involvement with a party running a candidate should rule him out as a questioner.

Despite these concerns, the Review team did not conclude that Mr Fitzpatrick's appearance as a questioner was as a result of political bias from within the production team, or was the result of him being 'placed' in the audience by a third party.

Q4 [REDACTED] *The analysis of this question by the Review team has been redacted due to confidentiality, privacy and data protection issues.*

"As a young Irish person, I'm interested to know why Martin McGuinness is coming to our country and bringing all of his baggage with him. How could he possibly represent me "down here"?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q5 [REDACTED] The analysis of this question by the Review team has been redacted due to confidentiality, privacy and data protection issues.

"Given the trail of misunderstandings, confusion, accounting errors and improper business practices that seem to have littered your career so far and given your own total refusal to ever answer a straight question in relation to any of those details and amidst increasing voter worry that you may not have the integrity for this job and that you might bring the office of presidency into disrepute at some point in the future, as these things unfold. Given all that, Sean, do you still feel that you should offer yourself up for the Presidency?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q6 Brendan Butler

"Mandatory reporting will soon become law in the Republic – will all the presidential candidates agree to report to the Gardai any intelligence of the sexual abuse of a minor whether they believe it to be false or malicious? And if they were President would they have any hesitation about signing such a Bill which included mandatory reporting into law?

The production team contacted Mr Butler after he wrote several letters to the newspapers on issues around the Catholic Church. He had been on Q&A and on Frontline programmes twice. He was asked if he was interested in putting a question to the candidates. He said he was and discussed the topic for about 15 minutes with the senior researcher. A production note entitled 'Questions we need' was drafted on the day of transmission, following a production meeting. It refers to a question on mandatory reporting and mentions Mr Butler as a potential questioner in this area.

On the night Mr Butler was given a printout with the question on it.

Speaking to the Review team, Mr Butler said he was very happy with the format of the programme and was happy to ask the question. He felt it was very much his own question. He said there was no exploitation of him and that he had a very positive experience on the programme.

Q7 Kevin Conroy

"My question is to Martin McGuinness. It relates to the IRA killings right down until the Good Friday Agreement. I find myself agreeing with you in relation to everything you've said about Sean Gallagher and the damage that was done by Fianna Fáil to this nation. I don't think it's any less damning than the damage that was done by your party, Sinn Fein, with the 3000+ killings that took place right down to the Good Friday Agreement. My question to you is: do you regard those killings as murder or would you say that they are war victims?"

Pat: Have you any particular killings in mind?

Kevin: I have no particular killings in mind"

Kevin Conroy regularly sends texts to political programmes. However he was surprised when he got a call out of the blue from Frontline the week before the debate asking if he wanted to take part in the programme and if he would email in some questions. He agreed and emailed 3 questions, one of which was directed at Martin McGuinness. It was that question that the Assistant Producer dealing with him picked and he was quite happy with the choice.

There were a few conversations before the broadcast during which Mr Conroy had mentioned the names of two high profile IRA victims, one of which he had a personal connection to. On the night of transmission, he was handed a piece of paper with a question on it which contained those names.

He told the Review team that he agreed the question was a fair reflection of what he'd said but he was uncomfortable with the mention of the 2 victims' names, so he re-wrote it

himself. He is adamant there was no attempt to discourage him and says he found the experience very fair.

Q8 John McCarroll

"My question is for each member of the panel: how do they personally intend to vote next Thursday on what has become known as the Abbeylara Amendment?"

Mr McCarroll had been on the Frontline programme on the Legal Services Bill the week before the Presidential Debate. He didn't get to make a comment that night but his interest in the upcoming 'Abbeylara Amendment' referendum had been noted by the team. He was telephoned by one of the Assistant Producers and asked if he would be interested in asking a question on the night of the presidential debate. He says the topic was left to him - the conversation was very casual. They settled on a question about the Abbeylara Amendment.

He wrote out the question and emailed it to the researcher.

He told the Review team that he feels that his question was regarded as relevant by the production team and that was why he was chosen to ask it on the night. The Frontline Executive Producer has stated that the Abbeylara question was thought to be the most challenging for the Labour Party candidate, Michael D Higgins, as it was believed that he was against the amendment despite it being supported by his party.

Mr McCarroll told the Review team that the programme was very good journalism and debate on the night.

Q9 Liam Murphy

"At various points in the election, it's said that maybe the President should have a more average wage or a cheaper car, maybe volunteer in hospitals. Do you really all secretly think that the Presidency has been cheapened?"

Mr Murphy had been on The Frontline a number of times before. He is very interested in politics and current affairs and often asks for audience tickets to the programme. He was interested in the presidential debate so he emailed the senior researcher to ask if he could be in the audience. He told the Review team that every time he attended the show he was asked if he was a member of a political party. He is not a member of a political party.

On the day of transmission Mr Murphy contacted the senior researcher by phone and email asking for tickets. The researcher took a note of comments he made about the office of the Presidency, which had been a topic of discussion in the RTÉ Radio debate that weekend. As

there were concerns about cancellations due to the bad weather, he was asked to come along.

On the night of the recording Mr Murphy was asked if he was interested in asking a question. He said he was initially interested in asking a question about presidential salaries. The senior researcher suggested asking a question about the cheapening of the office.

The Review team considered whether this suggestion amounted to a question being given to Mr Murphy. We noted that the researcher's notes of their conversation earlier that day contain references to "cheapening the dignity of the office. The President should get a decent wage, have a good car and inviting" [sic]. On that basis, we concluded that the question asked on air was founded on Mr Murphy's own comments.

Mr Murphy was given a printout with the question on it. His actual words used on air omitted some of the words in the printed question. He told the Review team that he was comfortable asking the question he asked.

Q10 [REDACTED] The analysis of this question by the Review team has been redacted due to confidentiality, privacy and data protection issues.

"Sean in the boom time you created a hundred jobs and how many of them are still in existence? People are sick and tired hearing about creating jobs so how many of them is still there?"

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[REDACTED]

A solid dark gray horizontal bar located at the very bottom of the page, spanning most of its width. It appears to be a footer or a decorative element.

[REDACTED]

Q11 [REDACTED]

"Do the panel believe that Denis O'Brien would be a fit person to serve on the Council of State?"

[REDACTED] had considerable previous experience of the Frontline programme. She expressed an interest in attending the debate to the audience researcher. She told the Review team that the researcher had contacted her and that [REDACTED] had expressed an interest in asking questions in a number of areas - the Council of State, austerity and to Martin McGuinness.

She said that the researcher told her the programme was 'light' on questions for Mary Davis. [REDACTED] agreed to ask a question on the Council of State and, as a result of her own research, specifically wanted to ask about the suitability of Denis O'Brien as a candidate for the Council of State.

[REDACTED] had wanted to direct the question only to Mary Davis but the researcher pointed out that questions should be capable of being put to all candidates. She was not uncomfortable with the Frontline process of selecting questions.

Questions prepared but not broadcast

The Review team identified issues regarding three questions that were prepared but not ultimately broadcast.

[REDACTED]

[REDACTED] was called on the day of the programme by an Assistant Producer who was working off the list of people who had texted the Pat Kenny Radio programme during Martin McGuinness's interview. His text to the PK show read “all of us need to reflect’ i don’t need to reflect because i didn’t shoot anybody in the head god [sic] bury them in a bog”

He was asked if he would like to attend The Frontline that night and ask a question.

[REDACTED] was approached because there were concerns that [REDACTED] who was expected to ask a question of Mr McGuinness, may not make it to the studio. [REDACTED] was unaware that he was being approached essentially to see if he would act as an 'understudy' for [REDACTED] question.

The Assistant Producer believes, but is not sure, that in her initial conversation with him [REDACTED] had discussed similar issues to [REDACTED]. [REDACTED], however, is adamant that the question he was later asked to deliver "was formulated and put to me and put in print and I had had no input".

During the afternoon, [REDACTED] was in contact with the Assistant Producer and texted some questions relating to Mr McGuinness and the IRA. He was surprised to receive from her a suggested question which she said was 'more representative' of other comments they had been getting.

He arrived at the studio and was given the suggested question on a piece of paper. It read "Having referred to the public as 'down here' and used 'west brits' is Martin McGuinness too out of touch with people in the South?"

He was concerned that the suggested question was "insipid" and was uncomfortable at what he was being asked to do. He jotted down his original question on the back of the piece of paper and would have asked that if called. He was not called on to ask a question during the programme, as [REDACTED] did arrive.

[REDACTED] is concerned that the motive for asking him to deliver the question texted to him was to 'soften' the line of questioning to Mr McGuinness, and that this may point to bias in the production team.

The Review team did not find evidence that the production team sought to soften questions to that candidate. There were in fact two questions relating to Mr McGuinness delivered during the programme, in contrast to some other candidates. A question relating to Mr McGuinness' links with the IRA was one of those questions broadcast.

However, it is of concern that a member of the audience was supplied with the wording of a question that was not his own. There is no record in notes or in the exchange of texts that [REDACTED] had expressed interest in questioning Mr McGuinness on his relationship with the South rather than to the IRA.

[REDACTED] The analysis by the Review team of this question has in part been redacted due to issues of confidentiality, privacy and data protection.

A question on abortion had been prepared with an audience member, [REDACTED] who was unable to attend the debate due to the floods. This question area was felt to be one that Michael D. Higgins would find particularly challenging as, in the view of the production team, he was on record as supporting legislation for the X case, which was potentially a controversial position in the context of a Presidential Election.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

It is understandable that on the night of transmission the production team were concerned that a questioner on a significant issue had been prevented from travelling due to the floods. However, it was wrong for [REDACTED] to have been approached to ask someone else's question.

[REDACTED]

An audience member, Daniel Bride, had prepared a question on the ability of candidates to speak Irish. He was prevented from travelling on the night by the flooding. The audience researcher approached [REDACTED], who was known to her, and asked if she would be interested in asking the question. [REDACTED] declined, but her companion [REDACTED] offered to ask the question. The audience researcher said she did not pursue this on the basis that [REDACTED] was a close friend. The question on the Irish language was not asked during the debate. *[The audience researcher would like to clarify that she was asked by the Executive Producer to find alternative questioners for those who had not arrived because of the weather. On the day of transmission she issued invitations to friends, who had previously applied for tickets, entirely because of audience cancellations due to the flooding.]*

In all three cases, the Review team concluded that it was wrong for audience members to have been supplied with questions originally devised by others, particularly where they had not previously expressed an interest or opinion on the subject.

As noted, [REDACTED] question (Q2) arose in similar circumstances and was broadcast. This was a mistake. The programme could have been compromised if this practice had not been limited to one broadcast question. It was only by chance, or through the audience members' own discomfort, that more of these questions were not put on air.

Other issues around un-asked questions:

During our research, some other audience members who had prepared potential questions expressed some concerns.

Gerry Dempsey

He wanted to ask Gay Mitchell why he was threatened by gay marriage and was told the question had to be directed at whole panel. He wasn't called on to ask the question.

Johnny Keenan

He wanted to ask Dana Scallon about the Constitution being compromised by Shannon stop-overs – conflict of interest as an American citizen etc. He was told he would have to put the question to the whole panel. He told the senior researcher that he had decided not to ask the question at all.

3. CONCLUSIONS

Bias

The Review team did not find evidence of bias or partiality from the presenter or production team. The mistakes made in the programme were not the result of bias.

The Review team did examine social media commentary by one of the Assistant Producers after the debate. She was asked to explain references to 'Gallagherites' and to a 'Victory for the Little People' in her Twitter comments. The reference to the first was explained as a desire to 'defend' the contributor [REDACTED] from one particular tweeter, and the second was explained as a light-hearted comment that she had forwarded on.

The fact that the Assistant Producer had once been a member of her local Labour Party, in support of her father, was also considered but no evidence was found that this had had an impact on her work on the programme.

We concluded that her social media comments were very unwise, and should not have been sent. They did not however indicate a political bias. It was noted with concern that the production team member was entirely unaware of RTÉ News' Social Media guidelines.

Questions

The Review team concluded that, with one exception, all questions were founded on the views of the questioners as expressed during the research process.

The exception was that of [REDACTED] (Q2) who asked a question originally devised by another audience member. This was due to the exceptional weather circumstances and not planned as part of the format. The Review team noted that this question had not been originated by the production team.

Most broadcasters of similar programmes acknowledge that they regularly work with audience members to redraft questions for clarity and legal safety. The Frontline team at times stretched the definition of redrafting to a point closer to writing out exactly how the question should be delivered. The Review found no evidence that this was done intentionally to influence the outcome of the debate, but to ensure that questions were concise.

However, in an election debate programme, particular care is needed to avoid any appearance of a question being ‘given’ to a questioner. The decision to print questions for some audience members left the production open to this charge and evidently confused and concerned some questioners on the night.

It was clear to the Review team that too many questions had been prepared for the debate. The Presidential Debate programme team had researched and considered as many as 50 questions in the immediate run up to the debate, with 33 actually appearing in the production ‘map’. This was well in excess of other formats driven by audience questions – for example the General Election debate.

The creation of a high number of potential questions was meant to ensure that all key issues could be addressed in the debate in a number of scenarios. It involved a lot of work for the production team. However, it greatly complicated the primary task of ensuring that a fair and balanced range of questions was put to all candidates on air.

The format of the debate relied on at least one challenging question being put to each candidate, that could then be opened up to the panel.

In the programme as broadcast, this format was not strictly followed. Of the total of 11 questions asked by the audience, Sean Gallagher was asked 3 direct questions; Martin McGuinness 2; Gay Mitchell, David Norris, Mary Davis 1 each; Dana Scallon and Michael D Higgins were asked no direct audience questions and 3 were asked to the panel as a whole.

The Review team concluded that it was editorially justified to have additional questions to probe the track record and positions of some candidates, including the apparent frontrunner Sean Gallagher. The number of questions about Sean Gallagher and Martin McGuinness reflected public interest as expressed through the proportion of questions about them raised during the production team’s research.

However, it was wrong that no direct, challenging question from an audience member was posed to the other frontrunner Michael D Higgins. This was a significant omission.

We were told that this omission was unintentional and arose from two factors. Firstly, there were a small number of questions about Mr Higgins received by the production team. Secondly, an audience member, whose question on ‘abortion’ was felt to be challenging for Mr Higgins, failed to turn up on the night due to the floods.

The absence of an audience question did not mean that Mr Higgins was unchallenged during the debate. The presenter did put questions directly to him and followed up his answers. Two of the general ‘panel’ questions were put to Mr Higgins first. It was also believed by the production team that the Abbeylara question (Q8) would be a particularly difficult one for Mr Higgins to answer. However, this was not put to Mr Higgins first as was the practice with other challenging questions, and did not seem to the Review team to be addressed to him in particular.

The Review team feels that circumstances on the night of the broadcast – including the weather and the introduction by one candidate of a dispute over political fundraising - created an unusually challenging environment in which to ensure the programme met the requirements of balance and fairness to all candidates. Nonetheless, RTÉ’s responsibilities are not diminished by external factors.

The lack of an audience question for Michael D Higgins should have been identified and rectified during the live transmission. Other suitable questions from audience members who were present had been prepared for the ‘map’ and could have been put to Mr Higgins.

A significant contributory factor to this omission was the lack of a senior editorial figure whose sole responsibility on the night was to view the programme during transmission and identify editorial and compliance issues. Both the Executive Producer and the Editor were busy either in the gallery or with candidates’ teams during transmission.

Audience

The Review team found that the chosen format for audience selection – informal direct approaches to potential contributors, with an emphasis on ‘known quantities’ – was not an appropriate approach for an election programme.

It tended to blur the lines between ‘friends of the programme’ and personal friends of the production team. It left the production vulnerable to the perception that opinions and questions were being sought out rather than editorially sifted from those applying to be in the audience of the programme.

The format for selecting the audience was never clearly specified and doubt existed within the team on key issues such as whether all members should be non-party or undecided voters. Attempts were made to ensure a gender, age and regional balance, but no systematic way of collating this information was made.

The Review team noted that the audience selection format for the General Election debate would have addressed some of these difficulties but stopped short of concluding the market research method must be used in all future audience election programmes.

The market research approach has its own drawbacks; apart from expense, it also relies on direct approaches to members of the public who may be demographically representative but have no real interest in taking part in a debate.

The Review team concluded that the best model for audience selection would derive directly from applications from interested members of the general public, with a transparent, systematic and clearly recorded method of ensuring those selected are representative of the country. A detailed questionnaire sent to all applicants, including information on political affiliations, should be used as the basis for audience selection.

In certain circumstances, such as a Referendum programme where complex issues may need to be explained, specialist contributors could be invited as audience members. They should be seated in a clearly defined area and identified as invited experts.

This model is compatible with those used by other broadcasters in devising audience election programmes.

Staffing

The Review team noted the relative inexperience of the majority of the production team that made the Presidential Election debate, especially when compared to the team that produced the General Election Leaders' debate. With the exception of one team member, they had not been involved in live election debates conducted in front of an audience.

The standard Frontline format did not prepare the team for the difficulties of researching audience questions rather than comments.

The Review also noted that the Frontline team were all heavily involved in regular programming in the weeks leading up to the Debate. Given the importance of the Debate, and its proximity to polling day, resources should have been made available to allow at least one member of the team focus on that programme alone.

Training

The Review team noted that formal training procedures were limited in the Current Affairs department at that time. Some of the team had received legal training in defamation, for example, but no specific training or formal guidance relating to the obligations and requirements on RTÉ in election programming.

Programme-making Guidelines, including the use of Social Media, were available, but awareness of their existence and importance was low at the time.

The short handover following the appointment of the incoming Executive Producer in May, which did not include a 'shadowing' period, was also noted.

Editorial Supervision

The Review team concluded that there were unclear lines of responsibility between the Executive Producer and the Editor, Current Affairs, including confusion over who had final responsibility for editorial oversight and compliance.

As noted, neither person was in a position on the night to focus on the programme as broadcast without production responsibilities or distractions. The need for a senior editorial figure to 'stand back' and watch the programme is clear.

We are satisfied that the proposal to base the Presidential debate largely on the format of a standard Frontline programme was discussed and approved by the Presidential Election Steering Group (PESG). The PESG were aware of the issues involved in producing the debate in this style, especially so close to polling day. However, the Steering Group did not ask for or receive a detailed written outline of the format so were unable to properly judge how those issues were being addressed.

The Review team notes the recent structural changes in the management of the Current Affairs department. We re-iterate the importance of clarifying the lines of responsibility between the programme editor and the other levels of editorial management.

4. RECOMMENDATIONS

The Review team recommends the following for future audience based election programmes:

Format

- A detailed breakdown of the programme format, covering audience and question selection, must be presented to and approved by the Steering Group.
- The programme format should be founded on open applications to the programme from members of the public.

Audience Selection

- The format should specify how the audience members selected will represent a balance of gender, region and viewpoints, and how campaign workers will be identified and treated.
- Third party methods of sifting applications to achieve that balance should be considered but are not mandatory, nor are they replacements for sound editorial judgement.
- Personal friends of the production team should not be selected as audience members for election programmes.

Questions

- The range of questions selected must cover all representatives in the debate, but editorial judgement can be used to ensure key issues in the election are properly addressed through use of additional questions and presenter supplementaries.
- Potential questions should be submitted to the production team in writing. The team may discuss amendments with the potential questioner to ensure clarity or legal safety, but the final wording must be left to the questioner.
- Questions devised by contributors must not be given to others to read.
- Questioners should not be connected to political parties or candidates' campaigns in an election programme.

Editorial Supervision

- A senior editorial figure must view the programme as broadcast with the sole function of ensuring compliance with RTÉ policy and BAI Codes.
- Clear lines of editorial responsibility for the broadcast must be established in the new management structures.

Staffing and Training

- One member of the production team should be dedicated to the production of the debate in the weeks preceding it.
- Gaps in experience and training for existing staff in editorial, legal and compliance issues should be identified and addressed. Training sessions should be regularly updated with latest guidance and best practice.
- All new staff, including those on short term contracts, should receive induction training in RTÉ policies and procedures.

ENDS